

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SPECTRUM DYNAMICS MEDICAL LIMITED,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY, GE  
HEALTHCARE, INC., and GE MEDICAL  
SYSTEMS ISRAEL LTD.,

Defendants.

Case No.: 18-cv-11386 (VSB)

**DECLARATION OF MARLA R.  
BUTLER IN SUPPORT OF  
DEFENDANTS' MEMORANDUM  
OF LAW IN SUPPORT OF  
MOTION TO PIERCE PRIVILEGE  
BASED ON THE CRIME-FRAUD  
EXCEPTION**

I, **MARLA R. BUTLER**, hereby declare as follows:

1. I am an attorney admitted to practice before the Courts of the State of New York and the United States District Court for the Southern District of New York. I am a partner at the law firm of Thompson Hine LLP and am counsel for Defendants General Electric Company, GE Healthcare, Inc., and GE Medical Systems Israel Ltd. I submit this declaration in support of Defendants' Memorandum of Law in Support of Motion to Pierce Privilege Based on the Crime-Fraud Exception.

2. Attached as **Exhibit 1** is a true and correct copy of an email, with attachments, that Plaintiff produced to Defendants in this case with Bates numbers SDML\_01007975–SDML\_01008014 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from Plaintiff Spectrum Dynamics Medical Limited’s (“Spectrum”) Omnibus Privilege Log, dated December 1, 2022, which document is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

4. Attached as **Exhibit 3** is a true and correct copy of an email, with attachments, that Plaintiff produced to Defendants in this case with Bates numbers SDML\_01008657–

SDML\_01008696 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

5. Attached as **Exhibit 4** is a true and correct copy of an email, with attachments, that Plaintiff produced to Defendants in this case with Bates numbers SDML\_01008306–SDML\_01008345 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

6. Attached as **Exhibit 5** is a true and correct copy of an email, with attachments, that Plaintiff produced to Defendants in this case with Bates numbers SDML\_01014361–SDML\_01014411 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

7. Attached as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the deposition of Nathaniel Roth, taken on November 14, 2022, which transcript is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

8. Attached as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the Rule 30(b)(6) deposition of Nathaniel Roth, taken on November 15, 2022, which transcript is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

9. Attached as **Exhibit 8** is a true and correct copy of an email that Plaintiff produced to Defendants in this case with Bates number SDML\_01018329–SDML\_0108330 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

10. Attached as **Exhibit 9** is a true and correct copy of a document that Plaintiff produced to Defendants in this case with Bates number SDML\_00000317–SDML\_00000340 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

11. Attached as **Exhibit 10** is a true and correct copy of a document that Plaintiff produced to Defendants in this case with Bates number SDML\_00000442–SDML\_00000468 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

12. Attached as **Exhibit 11** is a true and correct copy of a document that Plaintiff produced to Defendants in this case with Bates number SDML\_00000001–SDML\_00000034 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

13. Attached as **Exhibit 12** is a true and correct copy of a document that Plaintiff produced to Defendants in this case with Bates number SDML\_00000144–SDML\_00000169 and that is designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

14. Attached as **Exhibit 13** is a true and correct copy of a letter from Alex Pechette to counsel for Defendants dated June 12, 2023.

15. Attached as **Exhibit 14** is a true and correct copy of a letter from Jesse L. Jenike-Godshalk to counsel for Plaintiff dated February 22, 2023.

16. Attached as **Exhibit 15** is a true and correct copy of a letter from Alex Pechette to counsel for Defendants dated March 20, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 7, 2023

/s/ Marla R. Butler

Marla R. Butler